

Before the
Federal Communications Commission

Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

) MM Docket No.

)

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations,
(Forest Acres, South Carolina)

) RM-_____

)

)

)

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

DOCKET FILE COPY ORIGINAL

PETITION FOR RULEMAKING

Kuhel Communications ("Kuhel"), by and through counsel, and pursuant to §1.420(d) of the Commission's Rules (47 C.F.R. §1.420(d)), hereby submits its "Petition For Rulemaking" seeking the allotment of new FM Channel 232A to Forest Acres, South Carolina. In support whereof, the following is shown:

1. There are currently no commercial aural services authorized to Forest Acres. Therefore, the public interest would be served by this proposal, Since it would bring a first local service to that community.

2. Forest Acres qualifies as a "community" for allotment purposes. The attached Technical Exhibit shows that Forest Acres was incorporated in 1935. It is currently listed in the census data for the State of South Carolina. Its 1990 U.S. Census data population was 7,197. Forest Acres has an elected five member Town Council and a Town Administrator. It provides local police service to its residents. There are numerous businesses and residential areas in Forest Acres. The community has its own Rotary Club and Civitans Club. The remaining municipal services, such

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as water, sewer and fire support, are provided by Richland County. Therefore, there are present in Forest Acres, South Carolina, social, economic and cultural indicia that demonstrate that it is a separate community. See, FM Table of Allotments (East Hemet, CA, et. al.), 67 RR 2d 146 (1989); and FM Table of Allotments (Rockport, TX, et al.), 67 RR 2d 176 (1989).

3. The attached Technical Exhibit shows that Channel 232A may be allotted to Forest Acres in accordance with the Commission's spacing and city grade coverage requirements and without any disturbance to the Commission's current FM allotment scheme from reference coordinates **North Latitude 34° 01' 26" and West Longitude 80° 58' 45"**. Exhibit 1 to the Technical Exhibit is a usable area map which demonstrates that Channel 232A meets the Commission's requirements for minimum distance separations to all other licensed, applied for or proposed facilities with the exception of WPUB-FM, Camden, South Carolina.¹

4. Should Channel 232A be allotted to Forest Acres, South Carolina, Kuhel (or an affiliated entity) will apply for a construction permit for the facilities and, upon grant, will construct the station.

5. Accordingly, it is proposed that the Commission's FM Table of Allotments be amended as follows:

¹ The allotment of Channel 232A at Forest Acres is based upon the relocation of WPUB-FM, Channel 232A, Camden, South Carolina, to Channel 274A. This change was ordered in MM Docket No. 93-47. The effective date of the change was August 14, 1995. See, Report and Order, 10 FCC Rcd 7204 (1995). WPUB-FM has not yet filed an application to implement this change.


SOUTH CAROLINA

<u>City</u>	<u>Present</u>	<u>Channel No.</u> <u>Proposed</u>
Forest Acres	NONE	232A

WHEREFORE, it is respectfully requested that a rulemaking proceeding be initiated to allot Channel 232A to Forest Acres, South Carolina.

Respectfully submitted,

KUHEL COMMUNICATIONS

By. 
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Its Attorneys

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January 25, 1996

FOREST\DF\PETITION

EXHIBIT A

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

**PETITION FOR RULE MAKING
KUHEL COMMUNICATIONS
ALLOT CHANNEL 232A
FOREST ACRES, SOUTH CAROLINA
January 1996**

TECHNICAL EXHIBIT

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**PETITION FOR RULE MAKING
KUHEL COMMUNICATIONS
ALLOT CHANNEL 232A
FOREST ACRES, SOUTH CAROLINA
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TECHNICAL STATEMENT

This Technical statement and attached exhibits were prepared on behalf of Kuhel Communications, ("KC"), a petitioner requesting the amendment of §73.202(b) of the Commission's rules by allotting Channel 232A to Forest Acres, South Carolina. The allotment of this channel will provide Forest Acres its first local licensable aural service.

COMMUNITY ATTRIBUTES

Forest Acres is located in western Richland County, South Carolina (adjacent to Columbia, South Carolina) and was incorporated in 1935. The population of the community is 7,197.¹ Forest Acres has an elected five member town council and a Town Administrator. It provides local police service to its residents. There are numerous business and residential areas in Forest Acres. The community has local Rotary and Civitans Clubs. The remaining municipal services (water, sewer and fire support) are provided by Richland County.² Forest Acres has all of the necessary indentia to demonstrate it is a viable community for allotment purposes.

1) 1990 U.S. Census data.

2) All information regarding Forest Acres was provided by Town Administrator Garbinsky.

ALLOCATIONS REQUEST

Channel 232A can be allotted to Forest Acres, South Carolina, without the imposition of a site restriction at North Latitude 34° 01' 26" and West Longitude 80° 58' 45".³ Exhibit #1 is a usable area map for Channel 232A at Forest Acres, South Carolina. Exhibit #2 is a §73.207 allocation study which demonstrates Channel 232A meets the Commission's minimum distance separation requirements to all other licensed, applied for or proposed facilities (with the exception of WPUB-FM Camden, South Carolina, - see footnote 3).

Therefore, KC requests the Commission amend §73.202(b) as follows:

Forest Acres, South Carolina

Present	Proposed
None	232A

PUBLIC INTEREST ASPECTS

The allotment of Channel 232A to Forest Acres, South Carolina, will provide first locally licensable service to the community of 7,197 (there are presently no AM or FM facilities licensed (or allotted) to Forest Acres. A maximum Class A facility from the proposed reference site would provide 1.0 mV/m service to 413,000 persons in 2,481.3 square kilometers.

3) The allotment of Channel 232A at Forest Acres, South Carolina, is based on the relocation of WPUB-FM, Channel 232A, Camden, South Carolina, to Channel 274A. The allocation of Channel 274A to Camden for use by WPUB-FM was ordered in MM Docket #93-47. The effective date of the allotment of Channel 274A to Camden was August 14, 1995 (DA 95-1372).

When Channel 232A is allotted to Forest Acres, South Carolina, Kuhel Communications will file an application, FCC Form 301, on a timely basis for authorization to construct and operate a new FM station on Channel 232A at Forest Acres.

The foregoing technical statement was prepared on behalf of Kuhel Communications by Graham Brock Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data relating to FM facilities was extracted from the NTIA database, updated on December 29, 1995. We assume no liability for errors or omissions in that database which may be adverse to the request contained herein.

ALLOCATION STUDY FOR FOREST ACRES, SOUTH CAROLINA
USING CITY CENTER REFERENCE COORDINATES

REFERENCE	CLASS A	DISPLAY DATES
34 01 26 N		DATA 12-29-95
80 58 45 W	Current rules spacings	SEARCH 01-10-96
----- CHANNEL 232 - 94.3 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD232	232A	Forest Acres	SC	0.0	0.00	115.0	-115.00
AD	34 01 26	80 58 45	0.000 kW	OM	0.0	71.5	
Kuhel Communications							

* WPUBFM	232A	Camden	SC	50.9	35.59	115.0	-79.41
LI CN	34 13 31	80 40 44	3.300 kW	91M	22.1	71.5	
Kershaw Radio Corporation BMLH-910305KA							
>to Channel 274A per MM Docket #93-47							
WMUUFM	233C	Greenville	SC	308.3	166.34	165.0	1.34
LI CN	34 56 29	82 24 41	100.000 kW	366M	103.4	102.6	
WMUU, Inc. BLH-6867							
ALOPEN	232C3	Latta	SC	71.4	143.47	142.0	1.47
AL N	34 25 33	79 29 57	0.000 kW	OM	89.2	88.3	
>Reserved for WCMG Marion, South Carolina per MM Docket #93-47							
WACJ.A	233A	Bowman	SC	165.3	80.45	72.0	8.45
AP CN	33 19 20	80 45 34	3.000 kW	100M	50.0	44.8	
Radio Bowman, Inc. BPH-950629IC							
WACJ.C	233A	Bowman	SC	164.6	80.82	72.0	8.82
CP CN	33 19 17	80 44 52	3.000 kW	100M	50.2	44.8	
Radio Bowman, Inc. BPH-910301MH 941001							
WQKIFM	230A	St. Matthews	SC	160.1	49.58	31.0	18.58
LI CN	33 36 13	80 47 48	3.000 kW	100M	30.8	19.3	
Radio Four Broadcasting, Inc. BLH-920219KA							
WQKIFM	230A	St. Matthews	SC	160.1	49.58	31.0	18.58
CP CN	33 36 13	80 47 48	6.000 kW	100M	30.8	19.3	
Radio Four Broadcasting, Inc. BPH-950605ID 970430							
WCMG	232A	Marion	SC	81.9	135.57	115.0	20.57
LI CN	34 11 14	79 31 23	1.200 kW	152M	84.3	71.5	
Winfas of Belhaven, Inc. BLH-850626KL							
>to Channel 232C3, Latta, SC. per MM Docket #93-47							
CP231	231A	Kingstree	SC	109.4	98.89	72.0	26.89
CP DCN	33 43 32	79 58 19	6.000 kW	100M	61.5	44.8	
Atlantic Broadcasting Co., Inc. BPH-941122MN 970403							

CHANNEL 232A SPACING STUDY

* NOTE : WPUB-FM WAS ORDERED TO CHANNEL 274A IN MM DOCKET #93-47 AND IS NOT CONSIDERED A PRECLUSION TO THIS REQUEST. SEE TECHNICAL STATEMENT FOR DETAILS.

EXHIBIT #2

PETITION FOR RULE MAKING
KUHEL COMMUNICATIONS
ALLOT CHANNEL 232A
FOREST ACRES, SO. CAROLINA

January 1996

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

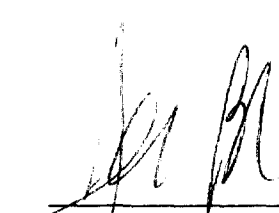
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Kuhel Communications to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.


The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 12th day of January, 1996.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 12th day of January, 1996*



Notary Public, State of Georgia
My Commission Expires: September 12, 1999